IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 181(S/S) 2007

Hariraj Singh Yadav S/o Sri Brij Raj Singh Yadav,
Presently posted as Junior Engineer,
Minor Irrigation, Bolck Sahaspur,
District Dehradun. .....Petitioner.

Versus

1. State of Uttarakhand through Secretary Rural Development, & Minor Irrigation Dehradun., District Dehradun,
2. Chief Engineer Minor Irrigation, Dehrdun,
3. Executive Engineer, Minor Irrigation Division, Pauri, District Pauri Garhwal,
4. Chief Development Officer, Dehradun,
5. District development Officer, Dehradun,
6. Project Director Rural Agency, Dehradun,
7. Block Development Officer, Sahaspur, Dehradun,
8. Tehsildar, Tehsil Vikas Nagar, District Dehradun. .....Respondents.

Sri Rakesh Thapaliyal adv. and Sri Lalit Sharma, learned counsel for the petitioner,
Sri N.P. Sah, learned Standing Counsel for the State of Uttarakhand/respondents.

Hon'ble M.M.Ghildiyal, J.

Heard Sri Lalit Sharma, learned counsel for the petitioner and Sri N.P. Sah, learned Standing Counsel for the State of Uttarakhand/respondents.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of certiorari for quashing of the order dated 27.12.2006 passed by the District Development Officer, Dehradun by which the petitioner was required to deposit a sum of Rs. 80,000/- in the concerned Treasury and further directions were issued not to make payment of salary to the petitioner for the month of December 2006. In pursuance of the aforesaid order, a citation was issued for recovery of a sum of Rs. 87,648/-, which is also sought to be quashed.

Stand of the petitioner is that the petitioner is Junior Engineer in the Minor Irrigation Department district Dehradun. He was asked to submit an estimate in respect of completion of a CC Road and for drainage of the water and pipe cutting constructed under the heads of Parliament Fund. Before the time schedule, the work was completed and a certificate to that effect was also issued by the Block Development Officer. However the Chief Development Officer, Dehradun issued a letter on 15.12.2006 directing the Chief Engineer to initiate a disciplinary proceedings against the petitioner, as the work done under the supervision of the petitioner was not upto the mark and the work was found against the estimate. On 27.12.2006, the District Development Officer has passed the impugned order. On 28th December 2006, the Chief Engineer, who is the Head of Department has directed the Executive Engineer, Minor Irrigation Division, Pauri to submit a report of technical verification of the work so that further action may be taken against the petitioner. But instead of waiting the report of technical expert, the respondents have passed the impugned order, which is arbitrary.

From perusal of annexure no. 9 to the writ petition which is a letter written by the Chief Engineer to the Executive Engineer, it transpires that the Executive Engineer has been directed to submit technical report within a week about the work done in supervision of the petitioner. This order was passed by the Chief Engineer on 28th December 2006, whereas the impugned order has been passed on 27th December 2006, it illustrate that the impugned order has been passed in very haste manner.

In the forgoing circumstances, I deem it fit and proper to direct the Chief Engineer (Head of the Department), Minor Irrigation, Uttarakhand to submit final report before the Chief Development Officer, Dehradun after obtaining technical report from the Executive Engineer, Minor Irrigation, Pauri, if the same has yet not been received by him, within a period of ten days from the date of production of a certified copy of this order. Till the final report is submitted by the Chief Engineer to the Chief Development Officer, Dehradun, the impugned order dated 27.12.2006 and the citation issued on 08.03.2007 shall be kept in abeyance.

The petitioner is also directed to submit a certified copy of this order before the Chief Engineer, Minor Irrigation, Dehradun within a week.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

March 16, 2007:
NCM: